



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re the Application of : NAKAJIMA et al.
Application No. : 10/049,438 Art Unit: 1713
Filed : May 30, 2002 Examiner: LEE, Rip A.
Docket No. : 11197/7 Customer No.: 23838
For : A POLYESTER POLYMERIZATION CATALYST,
POLYESTER PRODUCED BY USING THE SAME,
AND A PROCESS FOR PRODUCING POLYESTER

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPLICANTS' STATEMENT OF SUBSTANCE OF INTERVIEW

Sir:

The undersigned would like to thank Examiner Lee for a courteous and helpful personal interview conducted on September 8, 2004.

Pursuant to 37 CFR 1.133, the substance of the interview is presented herein. Applicants requested that the obviousness type double patenting rejection be held in abeyance because applicants intended to file a terminal disclaimer after at least some claims are found allowable.

Applicants argued that Ridley (WO 99/28033) does not anticipate claims 1 and 4 because Ridley does not teach a catalyst having a specific combination of an aluminum substance and an aromatic phosphorus compound or aromatic phosphonic acid compound. Applicants also argued that Thiele (US 5,733,969) does not anticipate claim 1 because Thiele does not use aromatic phosphorus compound in a polyester

polymerization catalyst. Instead, Thiele uses a phosphorus compound as an inhibitor of esterification or reesterification catalyst BEFORE the addition of the zeolite polycondensation catalyst, so the phosphorus compound is not a part of the zeolite polycondensation catalyst (column 4, lines 4-19). Applicants then argued that Bayer (US 3,574,174) does not anticipate claims 1, 4 and 10 because the catalyst of Bayer is for the polymerization of unsaturated compounds (column 1, lines 31-32), which involves addition to C=C bonds, but the polyester polymerization catalyst of the invention here does not involve addition to C=C bonds. Finally, applicants argued that Jackson US (US 3,847,873) and Jackson GB (GB 1,348,146) fail to anticipate claim 1 because these references do not specifically teach a catalyst comprising an aluminum substance and an aromatic phosphorus compound.

Respectfully submitted,
KENYON & KENYON

Date: September 21, 2004

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